

**BOROUGH OF DUMONT
BERGEN COUNTY, NEW JERSEY
PUBLIC MEETING MINUTES
MAY 20, 2014
7:00 PM**

Mayor Kelly called the meeting to order-Dumont High School Auditorium

Flag Salute; Silent Prayer

Sunshine Law: The notice requirements of the Open Public Meetings Act of the State of New Jersey have been satisfied by the inclusion of the date, change of time and place of this regular meeting in a notice posted at Borough Hall, sent to *The Record* and the *Ridgewood News*, posted on the Borough website and filed with the Borough of Dumont.

Roll Call:

Council members Brophy, Correa, Hayes, Manna, Riquelme-present

Councilwoman Zamechansky-absent

Mayor Kelly-present

Motion to table Ordinance #1473 until the next public meeting-June 17th: Councilwoman Correa
Second: Councilman Brophy

Roll call vote: Council members Brophy, Correa, Hayes, Manna, Riquelme-yes

The Mayor explained that the ordinance was tabled due to the new regulations coming from COAH, which our professionals are currently reviewing. June 17th will be the next time we will be revisiting this ordinance.

Approval of Minutes

Motion to approve the April 15, 2014 Executive and Public meeting minutes: Councilman Riquelme

Second: Councilman Hayes

Roll call vote: Council members Brophy, Correa, Hayes, Riquelme-yes

Councilman Manna-abstain

Motion to approve the May 6, 2014 Executive Session and Closed Session meeting minutes: Councilman Hayes

Second: Councilman Brophy

Roll call vote: Council members Brophy, Correa, Hayes, Manna, Riquelme-yes

Administrator's Report

The Borough will be receiving a \$149,000 N.J. Department of Transportation outright grant for further improvements to Depew Street.

The Senior Bus has been delivered.

The Memorial Day parade is scheduled for Monday, May 26th. The parade will start at 9:30AM. The final meeting will be Thursday night at 6PM at Borough Hall.

Council Committee Reports

- Councilman Brophy

Ordinance Committee

The committee will be meeting Saturday morning to review and discuss certain ordinances

Finance

The Councilman will be scheduling a finance committee meeting to discuss the capital budget.

- Councilwoman Correa

No report

- Councilman Hayes

Recreation

A football camp with Sean Lissemore will be held June 28th, starting at 9AM

The last day for summer camp signups is scheduled for May 29th. June 2nd will be a late signup date and there will be a late fee added at that time.

- Councilman Manna (Mayor Kelly welcomed him to his first full meeting.)

DPW

The Councilman met with the superintendent in order to acquaint himself with the facility.

Ordinance Committee

The committee will be meeting Saturday.

OEM

He will be meeting with Captain Conner regarding the Office of Emergency Management issues.

- Councilman Riquelme

Library

The Councilman will be attending a Library meeting next week.

Mayor's Report

Public Hearing on the Dixon Homestead Library Phase II Exterior Restoration Bidder's Prequalification Regulations

There were no comments or questions from members of the Council.

Motion to open to the public: Councilman Hayes

Second: Councilman Brophy

All in favor.

1. William Bergin, 666 Washington Avenue, asked where the money is coming from for the restoration of the Library. Mr. Perkins responded that it's a historic grant.

Mr. Paster explained the reason this resolution has to be adopted is to ensure that the architect or engineer who designs and supervises construction on any historic building where these funds are being used has been prequalified consistent with regulations promulgated by the Bergen County Historic Preservation.

Motion to close: Councilman Manna

Second: Councilman Hayes

All in favor.

Resolution #14-117 Adoption of the Prequalification Regulations for Phase II Exterior Restoration of Dixon Homestead Library

Motion to adopt: Councilman Riquelme

Second: Councilman Brophy

Roll call vote: Council members Brophy, Correa, Hayes, Manna, Riquelme-yes

Review of Consent Agenda Items: All items with an asterisk are considered to be non-controversial by the Council and will be approved by one motion. There may be further discussion prior to the vote upon request of a member of the public or a council member. Also,

any item may be removed for further discussion or for roll call vote in which case the item will be removed and considered in its normal sequence as part of the general order of business.

RESOLUTIONS

#14-118 Joseph Maddolin-Approval of hiring as Per Diem Dispatcher -\$14.00 per hour *

#14-119 Authorization to Combine Several Bond Ordinances and Authorization of the Sale and Issuance of Bond Anticipation Notes -\$5,673,000 *

#14-120 Approval of Cub Scout Request for Street Name Changes on May 25, 2014 during Annual Soap Box Derby *

#14-121 Approval of Dumont Elks Annual Fund Drive to be held June 14, 2014 *

#14-122 Approval of Henry & Mary McHale Family Fund Off-premise Cash Raffle to be held September 22, 2014; ID#109-4-39163; RL#408 *

#14-123 Bills List *

#14-124 Authorization of Inclusion in the Bergen County Community Development Program *

#14-125 Authorization of Fencing Project Change Order #2- \$905.21 *

#14-126 Authorization to Advertise for Bids for Disposal/Recycling Transportation of Leaves *

#14-127 Approval of Dumont Project Graduation Off-premise Cash Raffle to be held November 15, 2014; ID#109-5-34050, RL#409 *

Motion to open to the public: Councilman Brophy

Second: Councilman Hayes

All in favor.

1. William Bergin, 666 Washington Avenue, asked if the bond issuance will cause the taxes to go up. What type of improvements are they for? Mr. Paster responded that all the bond money is being refinanced. All the projects have been completed. He suggested looking into having the DPW handling garbage, leaf removal and recycling as opposed to an outside contractor. Mr. Perkins responded it would be more expensive.

Motion to close to the public: Councilman Manna

Second: Councilman Brophy

All in favor.

Motion to adopt the Consent Agenda items: Councilman Brophy

Second: Councilman Riquelme

Roll call vote: Council members Brophy, Correa, Hayes, Manna, Riquelme-yes

ORDINANCES

Second Reading

#1473 Ordinance Amending Chapter 455, Zoning to Add a New Section-8-1, Residential Inclusionary District-TABLED

First Reading

#1474 Amendment of the Borough Salary Ordinance

Motion by Councilman Brophy to table this ordinance due to some inconsistencies.

Second: Councilman Hayes

All in favor.

Motion to open to the public for general comments: Councilman Brophy

Second: Councilman Hayes

All in favor.

1. Courtney MacDonald, 75 Lucille Avenue: She has a concern about the lack of security at Memorial Park, especially during the hours of 6pm-10pm. Councilman Hayes will look into it.

2. MaryAnn Russini, 141 Roosevelt Avenue: She asked how ordinance #1473 was tabled- was there a motion, etc. because she couldn't hear.

3. Robert MacDonald, 75 Lucille Avenue: He asked the Council if they weren't sitting in their seats, would they be sitting with the people in the audience. When these apartments are built, there were seven people who could have stopped them and all they had to do was ask for help.

4. William Bergin, 666 Washington Avenue: He would like a copy of the zoning ordinance and was told it is on the town website. The builder should follow the town building codes and ordinances. The town should have the EPA test the land.

5. Ray Slaman, 67 Sherwood: He is president of the Shade Tree Commission and read the mission of the Commission. They believe that the preservation of undeveloped space filled with trees is in the best interest of Dumont.

6. Lynne Vietri, 41 Wilkens Drive: When did Landmark first come to the town? The Mayor stated he met with them in August or September, 2013 at which time they expressed interest in meeting with the Council. That was when he set up a meeting for them to come to a meeting to speak with the entire Council.

Ms. Vietri: She is concerned about the number of students, cost of educating each and the increase in class size if the development is built. Taxes are going up, home values are going down. She suggested people keep writing to COAH and keep fighting.

7. Lily Binney, 32 Roxbury: Has anyone reached out to knowledgeable officials to determine what the proposed COAH regulations mean to Dumont?

Mr. Buzak: Ordinance #1473 is being table so that we can evaluate the proposed regulations and how it affects the municipality and the lawsuit that's been filed. COAH has deferred everything until June 2nd. A number of deficiencies have already been noted. It is a fluid situation.

Ms. Binney: Their group has been told that should these rules remain, Dumont has no affordable housing obligations and therefore will not need an inclusionary zone. An inclusionary zone need not be located in the same area of the town. She asked what the governing body and administration feel would be the best zoning for these seven acres. Is there a protocol in place to investigate each scenario and ramifications to the town should the existing contract not reach fruition?

Mayor Kelly: the subcommittee met a week ago and there are several options being looked into. We are in a lawsuit right now so we need to do everything to protect the town and that's what we're doing.

8. Rachel Bunin, 9 Poplar Street: In April Judge Meehan had set May 22nd as the next court date.

Mr. Paster: It was moved to this morning. Given the status Dumont has as having a petition pending before COAH, the developer is supposed to exhaust all avenues prior to filing a Builder's Remedy lawsuit, which they did not do. The motion hearing has been scheduled for June 24th at 11AM, Judge Meehan's chambers. The request by the Borough would be to dismiss the complaint and have it remanded to COAH.

Ms. Bunin: Could you let us know in the future of any court dates? A protest petition to the zoning ordinance #1473 was submitted yesterday to Sue Connelly. A supermajority of the Council would be needed to pass anything other than RA zoning.

She feels like we never hear from Landmark, Mary D'Angelo, etc.

9. Ed Koska, 50 Holt Street: Would this COAH situation ever be taking place in Alpine, etc.? When it snows or rains, where will the water go? Because of the added concrete, there will be flooding.

10. Ken Morrow, Medford Road: Can a lawyer do anything before a judge regarding this decision-making process?

Mr. Buzak: All the issues should be vetted during the public hearing process. By October everyone will be on the same page.

11. Cathy Doherty, 110 Roxbury: Are all options available to us as a means to rezone the D'Angelo property? What elements are being evaluated?

Mayor Kelly: We are trying to put ourselves in the best position to fight a lawsuit and to keep control over what goes on that property. If we lose the lawsuit the developer dictates what goes there. An adopted ordinance can be changed.

Ms. Doherty: It's not just about a lawsuit; we should anticipate what the opponents are going to do. When there is no third round obligation owed by Dumont and we've met rounds one and two, why would we go ahead with any ordinance between now and the time the third round is legislated? Could the State force us to execute the plan we have submitted to them? Does the town plan to submit comments to COAH? Would the town think about purchasing commercial property and using it for affordable housing?

Mr. Buzak: There are many moving parts to this. The reason the zoning ordinance has been tabled is so that they can think it through. The town would not be forced to execute that plan if the regulations change. The seven acres is the focus of the rezoning because that's the property that is now available to address an obligation. If you don't have an obligation you don't have to deal with the affordable housing issues but you still have to deal with the underlying zoning.

Ms. Doherty: What can be expected June 17th?

Mayor: The subcommittee will be meeting again and the Council will discuss different options.

Mr. Paster: Being engaged in a suit you have to be careful what you say. The plaintiffs have been requesting the tapes of our meetings, which they are transcribing. The Council would like to come out and say what they would like to do but we're trying to make sure we do everything in the right way to protect the town.

12. Dick O'Connor, Blish Place: He doesn't agree with Mr. Buzak-nothing should be done.

13. Mindy Leonard, Elizabeth Street: Who's maintaining the farm? There's water in her backyard.

Mr. Paster: Maintenance of the property is the responsibility of the owner.

14. Matthew Balin, 12 Elizabeth Street: He is concerned about the traffic and sewage. Washington Avenue is a county road. He asked if the County could be contacted to start negotiating redesigning the Washington Avenue intersection if the town purchased 1 Gordon Avenue in the event the development goes through.

Mr. Paster: All concerns will be considered if developed.

15. Ms. Unger, 24 Larch Avenue: She is concerned about the location of the June 17th meeting since it is graduation week.

16. Ms. Raffa, 17 Essex Place: She doesn't want to look at apartments.

17. Jackie Corless, Larch Avenue: Currently we have 3.3% open space. The new proposed rules specify 5%-would we qualify for an exemption? Would it be possible to put a question on the ballot for the town to vote on taking the land to keep it open space?

18. Walter Papp, 47 Wilkens Drive: If the development goes through, will taxes increase?

Ms. Green: An impact study will be required-the impact on the school system, emergency services, etc. There has been no application to review to consider the impact.

Mr. Papp: If the developer backs out, what can the residents do? There are 17,000 residents in Dumont. If each contributed \$350, they could acquire the land and keep it a park.

19. Michael Sullivan, 125 Andover: The D'Angelo property is the only available property to put a new Municipal Building. The current Borough Hall is in disrepair and has many issues.

Mr. Perkins: Prior to the D'Angelo issue, the Borough hired an architect, who performed preliminary designs and needs assessment reports. There was discussion about acquiring properties along side of the building for parking. We are not doing anything since this D'Angelo issue has arisen.

Mr. Sullivan: The Borough should have bought the land for a municipal building.

Mr. Perkins: About 1½ years ago he said that someone told him they heard that D'Angelo's was in the process of being sold. He called Mary and asked her and she said absolutely not. He responded that if she does decide to sell, the town would like the first right of refusal. She said ok. A while later he heard the property was under contract.

20. Margaret Keating, Fleetwood: The taxes on a home are different than those on an apartment building. She doesn't understand how certain people's needs and rights supercede ours.

21. Debby Griffin, 93 Wilkens: D'Angelo's is an eyesore; they should receive summonses. Mayor Kelly: it will be looked into tomorrow.

Ms. Griffin: the number of bedrooms doesn't correlate with the number of people. Houses have apartments housing people within.

22. Mr. Fusco, 42 Harwick: Apartments will impact the town-sewers, police, etc. –no committee needed.

23. Ed Koska, 50 Holt: Has anybody done a cost analysis based on the amount of taxes you would collect from X number of single and two family homes on that property versus an apartment complex?

Ms. Green: She calculated that 31 single family homes, not requiring a variance, would fit on the six acre property.

24. Ms. Fusco, 45 Harwick: She is worried about having to move. There is no room in the schools. She is looking into other schools for her children.

Motion to close: Councilman Brophy

Second: Councilman Hayes

All in favor.

Motion to adjourn: Councilman Manna

Second: Councilman Riquelme

All in favor.

Meeting adjourned at 9:25PM

Minutes respectfully submitted by:

Susan Connelly, RMC
Municipal Clerk